

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JACQUES EVIGLO,

Case No. 21-CV-1756 (MJD/JFD)

Petitioner,

v.

REPORT AND RECOMMENDATION

B. BIRKHOLZ, MICHAEL CARVAJAL,

Respondents.

On August 3, 2021, this Court received a pro se habeas corpus petition filed under 28 U.S.C. § 2241 from Petitioner Jacques Eviglo. (Dkt. No. 1.) The petition was not accompanied by the requisite \$5 filing fee or an application to proceed *in forma pauperis* (“IFP”) without payment of a fee. On August 3, 2021, the Clerk’s Office sent Eviglo a letter seeking the applicable filing fee or an application to proceed IFP. (Dkt. No. 4). One month has now passed without receipt of the \$5 fee or an IFP application. Furthermore, Eviglo has not corresponded with the Court at all about his pending petition. Eviglo’s failure to pay or otherwise communicate with the Court constitutes a failure to prosecute this matter, and this Court hereby recommends dismissal of the petition without prejudice. *See* Fed. R. Civ. P. 41(b). If Eviglo wishes to save the matter from dismissal, he can submit his payment or IFP application within 14 days of the date of this Report & Recommendation.

Based upon the foregoing, and on all of the files, records, and proceedings herein,
IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: September 3, 2021

s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).